


Charlotte Department of Transportation

Memorandum

Date: September 30, 2009

To: Tom Drake & Tammie Keplinger
Charlotte-Mecklenburg Planning Department

From: Michael A. Davis, PE 
Development Services Division

Subject: Alleys Associated with Rezoning Petition 08-158

It has come to our attention that various individuals have recently raised questions regarding the unopened alley rights-of-way depicted on the subject rezoning petition. CDOT is not requesting that the petitioner take any action to seek abandonment of these rights-of-way in association with the rezoning.

In order to eliminate confusion, we offer the following information related to these alleys:

- Alleys, both opened and unopened, exist throughout Charlotte, particularly in older neighborhoods.
- These alleys are not maintained by the City and the City does not regulate what occurs in them.
- Individual property owners may have private easement rights in alleys.
- There are existing conditions that prevent the alleys on this petition from being used for access, including a retaining wall, grade differential, and vegetation.
- If a citizen chooses to invoke their easement right for the use of the alley and is unable to do so because of obstructions put in place by another property owner, it would be a civil matter between those parties.
- The City's interest through the rezoning and development approval process is to ensure that the following two conditions are met:
 - 1) that the development does not propose any permanent structures that would inhibit the use of an alley for its intended purpose; and
 - 2) that the development plan does not depend on the use of the alley for any purpose other than access in order to meet applicable ordinance requirements.

This petition meets both of these requirements.

Tom Drake & Tammie Keplinger

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Please let me know if you have any questions regarding this information or if I can be of any further assistance.

c: Bob Hagemann
Rick Grochoske
Jennifer A. Carroll
Jeff McSwain
Alice Christenbury
Tina Votaw
Brian Horton
Rezoning File